

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

REMARKS

The Examiner has rejected claims 1, 3-7, 13-16, 18, 20-22, 26-27, 29, 31-36 38-39 and 41 under 35 U.S.C. § 102(b) as being anticipated by Martin U.S. Patent No. 5,868,498. Claims 1, 3-4, 6, 14-16, 31-36 and 38-39 are rejected under 35 U.S.C. § 102(b) as being anticipated by Krug U.S. Patent No. 2,420,045. Claims 1-7, 13-22, 25-36 and 38-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin. Claims 8-12, 23-24 and 37 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form.

Applicants thank Examiner for the indication of allowability of claims 8-12, 23-24 and 37. Claim 8 has been rewritten in independent form including all of the limitations of base claim 1, such that claims 8-12 are now in allowable form. In addition, amendments to the claim dependencies of certain claims have been made such that claims 14-20 and 24-30 depend directly or indirectly from allowable claim 8, and therefore, are also believed to now be in allowable form. Independent claim 31 is amended herein to incorporate the subject matter of allowable claim 37, and claims 35-37 are cancelled, such that claims 31-43 now believed to be in allowable form. New claim 46 also depends from claim 20, which depends indirectly from claim 8, which is allowable.

Claims 1-5 have been cancelled herein without prejudice to their filing in a continuation application.

Claim 6 is amended herein to include the limitations of base claim 1 and

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

intervening claim 3, and to more clearly define the structural features that distinguish over the structures disclosed in the Martin and Krug patents. Specifically, claim 6 recites that the at least one flap section extends away from the fold line from a perimeter of the first section in a first length-wise direction, and the flap section and the first section are of equal length. Further, claim 6 recites that the first section extends beyond the fold line in both directions perpendicular to the first length-wise direction whereby the first section has a width greater than the width of the flap section at the fold line. As a result of this structure, which is positively recited, upon folding the flap section at the fold line to adhere the back surface of the flap section to the back surface of a first section, the first section is coextensive with the flap section in a direction opposite the first direction whereby a through-pocket is formed between the sticker substrate and said mounting surface in registry with the flap section.

With respect to the Krug patent, the flap section (tab 2) does not extend away from the fold line 8 in a length-wise direction so as to have a length that is equal to the length of the first section (label 1). Rather, the length of the flap section (tab 2) is less than the length of the first section (label 1) such that upon folding the flap section, a pocket is formed that is bound on three sides and open at the perimeter of the label. A through-pocket, as defined in claim 6, is formed when the length of the flap section and the length of the first section are equal, such that upon folding the flap section, the pocket is formed to be open from one portion of the perimeter through to the opposing portion of the perimeter. In other words, the pocket is open at opposing ends and bound on the other two opposing ends. Because this positively recited structure is not

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

disclosed by Krug, it is respectfully requested that the rejection of claim 6 over the Krug patent be withdrawn.

With respect to the rejection of claim 6 over Martin, as being anticipated or obvious in view thereof, Applicants respectfully traverse. Claim 6, in addition to reciting that the flap section and the first section are of equal length, also recites that the first section extends beyond the fold line in both directions perpendicular to the first length-wise direction whereby the first section has a width greater than the width of the flap section of the fold line. Martin only discloses a structure in which the flap section is of equal width to the first section. The adhesive is at the very edges of the first section and the flap section, such that upon folding the flap section at the fold line, the pocket is sealed at opposing side edges and bound at the bottom of the pocket by the fold line, with the top of the pocket being open. The first section does not extend beyond the fold line or beyond the pocket formed in perpendicular directions to the length-wise direction. In claim 6, that positively-recited structure enables the back surface of the first section that extends beyond the flap section and beyond the formed pocket to be adhered to a mounting surface. The structure disclosed by Martin simply lacks this feature, and further, does not suggest structure of the first section extending beyond the flap section in a perpendicular direction that may be adhered at its back surface to a mounting surface. Rather, Martin includes a magnetic sheet that is adhered to a back surface of the first section, to allow magnetic attachment of the pocket to a surface. This structure is distinct from the structure claimed, and does not suggest the structure claimed. Without the first section extending beyond the flap

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

section in the perpendicular directions, there is no structure present for forming a through-pocket upon mounting of the sticker to a mounting substrate. In fact, the magnetic sheet attachment means of the device in Martin interferes with the through-pocket. Martin clearly does not contemplate the structure positively recited in claim 6. Therefore, there is no anticipation of claim 6 over Martin, nor is claim 6 obvious in view of Martin. Therefore, Applicants respectfully request withdrawal of the rejection of claim 6 under §§ 102 and 103 over Martin. In addition, claims 7 and 22 depend from claim 6, and are likewise believed to be allowable.

With respect to claim 13, which was rejected as being anticipated by Martin and obvious over Martin, Applicants respectfully traverse. Claim 13 has been rewritten in independent form, but otherwise, the scope of the claim is identical to original claim 13. Claim 13 recites two flap sections at opposing ends of the first section, with each of the two flap sections extending to a width greater than a width of the first section. Martin simply does not teach this structure. Martin discloses a single flap section for forming a pocket, and a second section sized, in length, to wrap around the front and back of the pocket to secure the structure for mailing. Each section of the structure disclosed in Martin is of equal width. Thus, Martin does not disclose two flap sections each having a width greater than the width of the first section. In claim 13, the flap sections of greater width and having adhesive on the back surfaces thereof enable mounting of the sticker substrate to a mounting surface using the back surfaces of the flap sections that extend beyond the first section after folding of the flap sections. Such a structure is simply not disclosed in Martin, nor contemplated or suggested. Moreover, the structure in claim

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

7 permits the adhesive back of the first section to be exposed upon mounting of the sticker substrate to a mounting surface to permit the exposed adhesive surface to be used for sticking objects thereto. In addition, the structure enables the formation of through-pockets in the area of registry between the flap sections and the first section. This structure is simply not taught or suggested by Martin. Therefore, Applicants respectfully request that the rejections of claim 13 under §§ 102 and 103 be withdrawn.

With respect to claim 21, Applicants respectfully traverse. The claim has been rewritten in independent form and amended to further define the positive structure that distinguishes the sticker kit over the structure disclosed in Martin. Specifically, as amended, claim 21 specifies that the sticker in the sticker kit includes at least one flap section that extends in a length-wise direction to a length less than the opposing length of the first section and that the first section extends beyond the fold line in both directions perpendicular to the first length-wise direction whereby the first section has a width greater than the width of the flap section at the fold line. Thus, when the flap section is folded at the fold line to form the pocket, the first section extends beyond the pocket by virtue of the flap section having a greater width than the width of the flap section to enable the back surface of the first section to be adhered to a mounting surface. Martin, as discussed above, simply does not disclose a first section that extends to a width greater than the width of the flap section, nor does Martin suggest such a structure. Therefore, Applicants respectfully request that the rejections of claim 21 under §§ 102

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

and 103 be withdrawn. In addition, new claims 44 and 45 depend directly or indirectly from claim 21, and are thus believed to be allowable for the same reasons as claim 21.

Original claim 20 and new claims 44-46 are each directed to a non-adhesive object in the sticker kit, including means for receiving another object. Applicants respectfully traverse the rejection of claim 20. The non-adhesive object in the Martin patent is a piece of paper. There is no teaching or suggestion that that object includes means for receiving another object. New claims 45 and 46 specify that the means is a slot or a hook, support for which may be found in paragraph 37 of the instant specification. This feature is simply not taught by the reference. Therefore, these claims are believed to be in condition for allowance.

New claim 47 is added, which specifies that the at least one flap section is defined by a fold line within a perimeter of the first section and a die cut line. It is believed that this structure is not disclosed or suggested by either Martin or Krug. Therefore, new claim 47 is believed to be allowable. New claim 48 is a sticker kit including the sticker of claim 47, and is likewise believed to be allowable.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Application No. 10/625,351
Response dated March 21, 2005
to Office Action mailed December 20, 2004

Applicants are of the opinion that an additional fee of \$300 is due as a result of this amendment. Please charge the \$300 fee to Deposit Account 23-3000. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS LLP.

By: Kristi L. Davidson
Kristi L. Davidson, Reg. No. 44,643

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513/241-2324 (voice)
513/241-6234 (facsimile)
K:\BOLL\06\response to 122004 OA.doc

Page 20 of 20

End of Facsimile Transmission

for Serial No. 10/625,351

THANK YOU

Wood, Herron & Evans, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324 (voice)
513-241-6234 (fax)

March 21, 2005